

**Deposition Designations for:  
ANDREW J. WRIGHT  
December 16, 1999**

**Deposition Designation Key**

**Arrowood = Arrowood Indem. Co.  
f/k/a Royal Indem. Co. (Light Green)**

**BNSF = BNSF Railway Co. (Pink)**

**Certain Plan Objectors "CPO" = Government Employees Insurance Co.; Republic Insurance Co. n/k/a Starr Indemnity and Liability Co.; OneBeacon America Insurance Co.; Seaton Insurance Co.; Fireman's Fund Insurance Co.; Allianz S.p.A. f/k/a Riunione Adriatica Di Sicurtà; and Allianz SE f/k/a Allianz Aktiengesellschaft; Maryland Casualty Co.; Zurich Insurance Co.; and Zurich International (Bermuda) Ltd.; Continental Casualty Co. and Continental Insurance Co. and related subsidiaries and affiliates; Federal Insurance Co.; and AXA Belgium as successor to Royal Belge SA (Orange)**

**CNA = Continental Cas. Co & Continental Ins. Co. (Red)**

**FFIC = Fireman Funds Ins. Co. (Green)  
FFIC SC = Fireman Funds Ins. Co. "Surety Claims" (Green)**

**GR = Government Employees Ins. Co.; Republic Ins. Co. n/k/a Starr Indemnity and Liability Co.**

**Libby = Libby Claimants (Black)**

**OBS = OneBeacon America Ins. Co. and Seaton Ins. Co. (Brown)**

**PP = Plan Proponents (Blue)**

**Montana = State of Montana (Magenta)**

**Travelers = Travelers Cas. and Surety Cos. (Purple)**

**UCC & BLG = Unsecured Creditors' Committee & Bank Lenders Group (Lavender)**

**AFNE = Assume Fact Not in  
Evidence**

**AO = Attorney Objection**

**BE = Best Evidence**

**Cum. = Cumulative**

**Ctr = Counter Designation**

**Ctr-Ctr = Counter-Counter**

**ET = Expert Testimony**

**F = Foundation**

**408 = Violation of FRE 408**

**H = Hearsay**

**IH - Incomplete Hypothetical**

**L = Leading**

**LA = Legal Argument**

**LC = Legal Conclusion**

**LPK - Lacks Personal Knowledge**

**LO = Seeking Legal Opinion**

**NT = Not Testimony**

**Obj: = Objection**

**R = Relevance**

**S = Speculative**

**UP = Unfairly Prejudicial under Rule 403**

**V = Vague**



1 ANDREW J. WRIGHT,  
2 having been first duly sworn to tell the truth, the  
3 whole truth, and nothing but the truth, testifies  
4 upon his oath as follows:

5 DIRECT EXAMINATION

6 BY MR. SULLIVAN:

Libby

7 Q Please state your name for the record.  
8 A Andrew J. Wright.  
9 Q Is it all right if I call you Andy?  
10 A Yes.  
11 Q Where do you live?  
12 A On Bobtail Road, 1432.  
13 Q Here in Libby, Montana?  
14 A Yes.  
15 Q Where were you born?  
16 A On Medicine Lodge Creek, southwest of  
17 Dillon. Above what used to be Armstead. Where  
18 Clark Canyon Dam is now. But I was born 12 miles  
19 above that dam.  
20 Q What did your family do down there?  
21 A They were sheep ranchers.  
22 Q How old are you?  
23 A Seventy-seven.  
24 Q When did you move to Libby?  
25 A September of 1956.

1 A Excuse me. I've got a dizzy spell here  
2 and I don't know what caused it.

3 That would be very close.

4 Q And you worked there for approximately  
5 five years?

6 A Five and a half.

7 Q I'm handing you next, Andy, a document  
8 which has been marked for identification purposes as  
9 Exhibit 552, which appears to be a summary of your  
10 work history.

11 A This is very approximate of the time that  
12 I worked in the different departments for Zonolite.

Libby

13 Q Okay. So is that a fair or approximate  
14 summary of your work history at Zonolite?

15 A Yeah.

16 Q Referring to that exhibit as necessary,  
17 what was your first position at Zonolite?

18 A First position at Zonolite --

19 Q Yes.

20 A -- was what they called the service crew  
21 or construction, and I was -- When you worked there,  
22 you were loanable to any other department that was  
23 short a man. I worked in the shop as a loaner quite  
24 a bit when I first went up there.

25 Q Directing your attention to Photo Exhibit

Libby

1 1-28, does that show where the service yard is and  
2 the shops are?

3 A This is the shop area here, yeah.

4 Q How long, Andy, did you work in the  
5 construction department being loaned out for various  
6 tasks?

7 A Oh, I don't know exactly, because -- I  
8 would be working the construction, you know, for a  
9 few days and then I would be loaned out to the shop  
10 for a month.

11 Q The summary that we've put together of  
12 your work history indicates approximately nine  
13 months inside of the construction department.

14 A Approximately nine months. From there I  
15 bid into the dry mill and I went in there listed as  
16 a sweeper, but I actually went into the test lab and  
17 worked as a tester of the ore. And that was fairly  
18 interesting work.

19 Q Maybe we can start by directing your  
20 attention to Photo Exhibit 1-25. And once again,  
21 holding that up so that Matt can see it, can you  
22 show us where the dry mill is located?

23 A That was the dry mill, where my finger is.

24 Q And did you work in more than one position  
25 in the dry mill?

Libby

1 A Yes.

2 Q And you indicated you worked for a period  
3 of time as a tester; is that right?

4 A Yeah.

5 Q Did you also work as a sweeper?

6 A Not too much. I did some sweeping, but  
7 mostly it was top floor operator. And then I went  
8 from there to the bottom floor. Eventually I wound  
9 up in the wet mill, and --

10 Q Well, why don't we stop there. It sounds  
11 like you did several --

12 A What?

13 Q It sounds like you did several different  
14 jobs in the dry mill, so what I would like to do is  
15 work our way through those different positions, and  
16 maybe what we will do is --

17 A When you worked in the dry mill you could  
18 be called to operate the skip or you could have a  
19 bad spill and you'd be sweeping. The main  
20 occupation of the top floor operator was to keep the  
21 screens brushed so that the ore would separate  
22 properly on the vibrating screens.

23 Q In terms of working as a top floor  
24 operator, it was then up on the top floor of the dry  
25 mill; is that right?

Libby

1 A Yes.

2 Q Maybe you could point to us then, and Matt  
3 can get it on his video camera, where we're talking  
4 about.

5 A (Indicating).

6 Q And then could you describe for us the  
7 kind of work you did as top floor operator. What  
8 was involved in that work?

9 A You had a lot of big vibrating screens  
10 that the ore trickled down over. It separated a lot  
11 of waste from it. It separated the size of the ore  
12 from different sizes. You had from number 4 up to  
13 number double 00. And of course the double 00 was  
14 big stuff. And those screens would plug up and then  
15 of course everything would go to waste. So you had  
16 to keep brushing screens to get the ore to go  
17 through the screens and go to the proper bins for  
18 the product.

19 Q What did you used to brush the screens?

20 A A big old bristle broom, about like so  
21 long, and teeth on it probably about that long  
22 (indicating). And you just brush those screens out.  
23 That would jar the small stuff loose.

24 Q How would you describe the dust  
25 conditions?

Libby

1 A Very dusty.

2 Q Was it so dusty that the dust would  
3 literally build up on the rafters and beams?

4 A Yeah. Yeah.

5 MR. MacDONALD: Objection, leading.

6 THE DEPONENT: There was dust built  
7 up all over the place. And I've seen dust stacked  
8 up six inches deep on the rafters and naturally with  
9 vibration some of it would fall off and be back in  
10 the air again. And --

11 BY MR. SULLIVAN:

12 Q What was involved in working as a bottom  
13 floor operator?

14 A Well, that was more taking care of the  
15 dryers. You did have a few screens to take care of,  
16 but not very many. And the dryers are in this --  
17 the dryers are located, I believe in here  
18 (indicating) -- in this area. And they dried the  
19 ore to a certain amount of humidity or water  
20 content. And if you let them get too hot it popped  
21 the ore and then you were in trouble.

22 Q Could you describe for us the work that  
23 you did as a tester in the test lab.

24 A As a tester in the test lab, you ran tests  
25 on the ore twice a day regularly, sometimes three



Libby

1 times. And you'd go in the mill and take samples  
2 off of the different belts that fed to the different  
3 bins and so forth. And then you would take that  
4 back to the test lab and screen it to get it all  
5 sized, your different grades or sizes of ore.

6 After you did that, why, you would see how  
7 much waste you had that had come out and you would  
8 get a percentage of that, and you could tell whether  
9 the ore was fit to save or, if there was too much  
10 waste in it, you would throw it to waste and it  
11 would go out over the dump.

12 Q In terms of screening the ore that you  
13 would go and get, would you actually shake the  
14 material through screens?

15 A We had big round screens, they were about  
16 so big around and they were about so deep  
17 (gesturing) and there were all different meshes of  
18 screen in there from real fine up to one about a  
19 quarter inch square, and it would segregate --

20 You would stack those screens. They were  
21 stackable. And you would shake them until the ore  
22 was pretty well out and then you'd take and you  
23 would test each one for percentage of waste in it.

24 Q Did you have to go into the dry mill to  
25 get ore samples to test?

Libby

1 A Pardon?

2 Q Did you have to go into the dry mill to  
3 get ore samples to test?

4 A Yes. Yes.

5 Q Did you indicate that you also worked on  
6 occasion as a sweeper in the dry mill?

7 A Yes.

8 Q Can you briefly describe for us what was  
9 involved in performing the work as a sweeper.

10 A The work as a sweeper was cleaning up  
11 where ore would spill out of a belt or something  
12 would get out of line and dump ore on the floor, and  
13 then keeping the floors swept up to where they were  
14 clean. And it was a never-ending job.

15 Q How would you describe the dust conditions  
16 working as a sweeper?

17 A Severe dust. It was always dusty.

18 Q Could you actually see the dust in the  
19 air?

20 A Oh, yeah.

21 Q Were there other men working in the dry  
22 mill while you were sweeping?

23 A Yes.

24 Q And would those include the top floor  
25 operator --

Libby

1 A Yes.

2 Q -- and the bottom floor operator?

3 A Yeah.

4 Q After working as an operator in the dry  
5 mill, what did you do next?

6 A I went to the wet mill from the dry mill.  
7 Not there very long. But I ran the spirals.

8 Q Can you show us, referring to this Photo  
9 Exhibit 1-25, where the wet mill is located.

10 A That's this area here (indicating). The  
11 spirals are just exactly what it says. They are a  
12 spiral trough with water running in it and little  
13 branches off of it. And they were so that as it  
14 went down it took the ore with it, and -- It would  
15 take off a certain amount at each one of these  
16 outlets. Put it that way.

17 Q How long did you work in the wet mill?

18 A Not too long. Just a few months at the  
19 most.

20 Q What did you do next?

21 A I went to the pit to be a dump man.

22 Q Directing your attention to Photo Exhibit  
23 1-16, Andy, can you describe for us the work that  
24 was involved in doing your job as a dump man?

25 A Well, this is the dump where the waste

Libby

1 from the mine went out. And you can see we have got  
2 a truck backed up there dumping. You backed them up  
3 to where they wouldn't go over but where the major  
4 part of the waste would go over. And then you would  
5 get a pile up there pretty soon and they would bring  
6 the cat along and pushed it over.

7 Q Were you exposed to much dust doing your  
8 work as a dump man?

9 A As the dump man, you were always exposed  
10 to a certain amount of dust in the air when it was  
11 dry, because any time you work in an open pit there  
12 is -- where they are drilling dry and moving a lot  
13 of material, there is going to be dust in the air.

14 Q How long did you work as a dump man?

15 A Maybe six months at the most. I don't  
16 think it was quite that long.

17 Q What was your next position?

18 A Driving Euclid.

19 Q Directing your attention to --

20 A I probably drove that one right there at  
21 one time or another.

22 Q Is that right? That's the kind of truck  
23 you drove? What makes you think you may have driven  
24 that one?

25 A Pardon?

Libby

1 Q What makes you think you might even have  
2 driven that one?

3 A Well, it just looks like one of the Eucs  
4 that I drove. Up there, of course, they all look  
5 pretty much alike. And I can't see the number on  
6 the door well enough to make out which one it is.  
7 I think that's number 11, but -- If it is, why, I  
8 know I drove it at times.

9 Q Andy, directing your attention next to  
10 Photo Exhibit 1-11, can you describe for us what was  
11 involved in doing the work as a Euclid truck driver.

12 A Well, as a Euclid truck driver you would  
13 haul the material from the mine over to the transfer  
14 point where it was sent to the mill, and if it was  
15 waste, why then, of course, it went out to the dump.

16 Q So the shovel would load you up with  
17 either waste material or ore to be taken down to the  
18 mill?

19 A Yes.

20 Q Did you encounter dust working as a Euc  
21 truck driver?

22 A When the weather was dry, you had dust.  
23 Lots of it. If there was a lot of snow on the  
24 ground or had been raining, then the dust wasn't so  
25 bad.

Libby

1 Q When you worked in dusty conditions, as  
2 you have described during your testimony, did you  
3 get dust on your clothes?

4 A Oh, sure.

5 Q Did you carry the dust home with you on  
6 your clothes?

7 A Yes.

8 Q How long did you work as a Euc truck  
9 driver?

10 A Probably a total of a little over two  
11 years. I was at the mine about two and a half  
12 years.

13 Q Have I covered all the jobs that you  
14 recall performing while you worked at Zonolite?

15 A Yes, pretty well.

16 Q When you worked in the dry mill, were you  
17 given a respirator?

18 A No.

19 Q Did you wear a respirator?

20 A No.

21 Q Did your supervisor in the dry mill wear a  
22 respirator?

23 A No.

24 Q Did you wear a respirator when you  
25 performed any of your other jobs at Zonolite, such

Libby

1 as working as a mechanic or working up at the mine  
2 as you have just described?

3 A No.

4 Q Did your supervisors at these other  
5 positions wear respirators?

6 A I never saw a respirator while I was up  
7 there that I can remember.

8 Q Were you ever reprimanded for not wearing  
9 a respirator?

10 A No.

11 Q Did you ever see any one reprimanded for  
12 not wearing a respirator?

13 A No.

14 Q Do you recall seeing any signs posted  
15 warning you to wear a respirator?

16 A No.

17 Q Andy, when you were hired did the company  
18 warn you that asbestos was toxic and breathing it  
19 was harmful to your health?

20 A We were told you could eat a ton of it and  
21 it wouldn't hurt you.

22 Q During the entire time you worked there,  
23 did the company ever warn you that asbestos was  
24 harmful to your health?

25 A No.

Arrowood  
Obj:  
AFNE

Libby

1 Q Did the company ever warn you that  
2 bringing home the dust on your clothes could be  
3 harmful to you and your family?

4 A No.

5 Q While you were working there, did you  
6 understand that asbestos was present?

7 A I knew asbestos was present.

8 Q But did you understand at that time that  
9 it was a health hazard?

10 A No.

11 Q Do you recall ever having heard statements  
12 by your supervisors or managers about the dust, such  
13 as you just indicated, I think, to the effect that  
14 you could eat a ton of it?

15 MR. MacDONALD: Objection, leading.

16 THE DEPONENT: We were told it  
17 wouldn't hurt us.

18 BY MR. SULLIVAN:

19 Q Since Terry made an objection, I will  
20 restate the question so that we get the mechanics  
21 right because a judge isn't present at this moment.

22 Did you ever hear any statements by your  
23 supervisors or managers regarding the dust?

24 MR. SULLIVAN: You might show him,  
25 too, my preamble because I'm restating the question